

Please amend claims 40-49 as set forth on the attached pages.

Please amend claims 51-56 as set forth on the attached pages.

Please amend claim 59 as set forth on the attached pages.

Please add claims 61-88 as set forth on the attached pages.

REMARKS

Examiner has required a proposed drawing correction to avoid abandonment. Specifically, Examiner states that, inconsistent with the specification, FIG. 6 shows the security fins 60 on the inner skirts instead of the breakaway skirt. Applicant respectfully disagrees with the Examiner. While it is true that FIG. 6 shows the security fin inwardly of the inner skirt, this is nonetheless an accurate depiction of the location thereof as the inner skirt is passing adjacent and is in contact with the stopping ledge 48 during installation of the closure. At this stage, the security fin is bent outwardly along with outer skirt 46 to which it is attached; the inner skirt is also bent outwardly, but relatively more along the upper portion of the inner skirt than is the outer skirt, so that the security fin is exposed inwardly of the inner skirt as viewed from the angle of FIG. 6. Therefore, the drawing is accurate and should not be changed.

Examiner rejected claims 1, 5-14, 17 and 21-60 under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification in such a way as to reasonably convey that the inventor had possession of the claimed invention at the time the application was filed. Specifically, the Examiner states that the specification and drawings describe a plurality of inner skirts to engage with the bottle to cause the breakaway skirt to remain with the bottle upon unscrewing, but that Applicant has not described that the breakaway skirt could function with only one inner skirt (claims 17, 22, 31, 51), only two inner skirts (claims 1, 6, 41) and only one upper inner skirt and one lower inner skirt (claim 14). Examiner also states that for the breakaway skirt to engage properly with the bottle neck, a plurality of inner

skirts (embodiment of claim 1 and 17) or upper inner and lower inner skirts (embodiment of claim 14) would have to be arranged around the circumference.

Independent claims 1, 6, 14, 17, 22, 31, 41 and 51 have been amended to claim a plurality of inner skirts. Claims 5, 7-14, 21, 23-30, 32-40, 42-50 and 52-60 all depend from these independent claims. Thus, Applicant submits that the claims as amended overcome the Examiner's rejection under 35 U.S.C. 112, first paragraph.

Examiner has rejected claims 23, 31-40 and 51-60 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has amended claims 23, 31 and 51 in accordance with Examiner's comments and submits that each of these independent and related dependent claims is now definite.

Examiner has rejected claims 1, 22-25, 27-29, 51-56 and 58-60 under 35 U.S.C. 102(b) as anticipated by Barriac '030. Examiner has rejected these same claims under U.S.C. 102(b) as anticipated by the EP reference (541,466).

Applicant respectfully disagrees with the Examiner regarding claim 1. Claim 1 recites a tamper-resistant bottle closure adapted to be carried on a container having a stopping ledge, said closure comprising: a cap; a breakaway skirt having an outer skirt and a plurality of first inner skirts inwardly disposed to said outer skirt; a plurality of frangible links extending between said cap and said outer skirt; a first wing disposed on each first inner skirt, each first wing adapted to lie adjacent the stopping ledge such that each first wing at least partially surrounds the stopping ledge, and each inner skirt is attached to said outer skirt at a location distal said frangible links; and a plurality of second inner skirts inwardly disposed to said outer skirt, each second inner skirt having a second wing disposed thereon, each second wing adapted to lie adjacent the stopping ledge such that each second wing at least partially surrounds the stopping ledge, each second inner skirt being attached to said outer skirt at a location proximate said frangible links.

The limitations of claim 1 thus include two different kinds of inner skirts, one attached to the outer skirt distal the frangible links and one attached proximate the frangible links. Neither Barriac nor the EP reference discloses, teaches or suggests

(1) inner skirts attached to the outer skirt proximate the frangible links, (2) two different kinds of inner skirts, or (3) the alternating of these different inner skirts, which is inherent in having the two different kinds. The two different types of inner skirts constitute separate anti-tampering features, making such tampering more difficult, as a person attempting to tamper with the closure would be required to overcome both features. Thus, Applicant submits that claim 1 is distinct and patentable over these two references.

Applicant further submits that dependent claim 5 is independently patentable, because it includes the limitations of claim 1 and also because of the inclusion of securing straps, which are not found or suggested in the references cited by Examiner.

Independent claim 22 has been amended to include the recession formerly recited in claim 23. The recession has been more clearly defined in claim 22 to distinguish over the recessions cited by the Examiner in Barriac and the EP reference. Specifically, claim 22 now recites that the nozzle has an at least first stopping ledge having a lower edge; said nozzle having a cylindrical wall having an outer edge defining a boundary from which threads and the stopping ledge extend outwardly; and said nozzle being formed with a recession which extends inwardly from the outer edge of the nozzle wall and which communicates with the lower edge of the stopping ledge.

The Examiner has stated that in regard to the EP reference, the recession is shown in FIG. 4 as being between stop ledge 9 and the top of the bottle shoulder. The recession as now defined in claim 22 now recites that the recession is inward from a boundary defined by the outer edge of the cylindrical wall of the nozzle, a limitation not anticipated, taught or suggested by the EP reference. With the regard to Barriac, the Examiner has stated that the recession is between the stop ledge 37 and the top of the bottle shoulder. In addition to the recession being inward of the boundary noted above, the recession communicates with the lower edge of the stopping ledge. The purpose for the recession in the present invention is also distinct, and thus neither Barriac nor the EP reference anticipates, teaches or

suggests this limitation. Applicant submits that claim 22 as amended is patentable over these references.

As noted, claim 23 has been amended such that a portion of claim 23 is incorporated into claim 22. Otherwise claim 23, along with claims 24, 25 and 27-29, have been amended for clarity and depend from claim 22. Applicant submits that each of these dependent claims are independently patentable as including the limitations of claim 22 as well as the further limitations of each of these claims, respectively.

Independent claim 51 has been amended to further define the channel in a way that defines over Barriac and the EP reference. Claim 51 now recites a breakaway skirt having an outer skirt and a plurality of inner skirts inwardly disposed to said outer skirt, each inner skirt having an arm with a blocking protrusion and a clamping protrusion extending therefrom, defining a channel therebetween bounded on one side by the arm. Neither of these references show an inner skirt comprising an arm with a blocking protrusion and clamping protrusion extending therefrom and which define the channel. Therefore, Applicant submits that claim 51 is patentable over these references. Claims 52-56 and 58-60 depend from claim 51. Applicant submits that these dependent claims are independently patentable as including the limitations of claim 51 as well as the further limitations of each respective dependent claim.

Examiner has rejected claims 26, 30 and 57 under 35 U.S.C. 103(a) over Barriac '030 OR the EP reference (541,466) in light of Grussen '918.

Claims 22 and 51 have been amended to distinguish over Barriac and the EP reference. Specifically, claim 22 further defines the recession and claim 51 further defines the channel as noted above. Claims 26 and 30 depend from claim 22 and claim 57 depends from claim 51. As the limitations of claim 22 and claim 51 have not been disclosed or taught in the Barriac or EP reference or the Grussen reference, these dependent claims are now patentable over Barriac or the EP reference in view of Grussen.

Applicant has also added new claims 61-88 for combinations of elements not previously claimed. Specifically, claim 61 focuses on an inner skirt with a wing and inner and outer protuberances which contact the container and outer skirt, respectively. Claim 62 focuses on an inner skirt without the wing, but having the inner and outer protuberances contacting the container and outer skirt, respectively. Claim 63 depends from claim 62. Claim 64 focuses on clarifying the structure of the wing disposed on each inner skirt, with claims 65-68 depending therefrom, and, Applicant submits that each of these claims are independently patentable as well. Claim 69 also focuses on further defining the wing of the inner skirt, this wing being formed essentially upside down from the wing of claim 64. Claims 70-73 depend from claim 69 and Applicant submits that they are independently patentable as well. Claim 74 focuses on the inclusion of a security ring extending inwardly from the outer skirt of the closure. Claims 75 and 76 depend from claim 74 and further include a security flange extending from the nozzle of the bottle, along with the relationship between the security ring and the security flange. Applicant submits that these claims are independently patentable. Claim 77 focuses on an intermediate link having a lower leg which is disposed adjacent each wing. Claims 78-80 depend from claim 77 and Applicant submits that they are independently patentable. Claim 81 focuses on an enclosure having lower inner skirts and upper inner skirts, both with wings that extend about lower and upper stopping ledges, respectively. Claims 82 and 83 are dependent on claim 81 and Applicant submits that they are independently patentable as well. Claim 84 focuses on a security flange extending outwardly from the nozzle of the bottle with a security wall extending upwardly therefrom. Claims 85 and 86 depend from claim 84 and Applicant submits that they are independently patentable. Claims 87 and 88 depend from claim 31 so as to include a security ring extending inwardly from the outer skirt and a security flange extending outwardly from the nozzle, respectively.

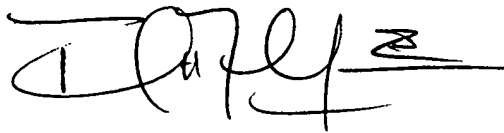
Applicant submits that the new claims either further define certain elements of the bottle closure and/or bottle nozzle, or show the elements in combinations that

have not been claimed, but are nonetheless patentable. Applicant respectfully requests consideration of these new claims.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowance for claims 1, 5-14, 17, and 21-88. If any issues remain after this amendment, the undersigned attorney would welcome a telephone call.

Respectfully submitted at Canton, Ohio this 26th day of August, 2002.

SAND & SEBOLT

A handwritten signature in black ink, appearing to read 'F. Zollinger, III', with a stylized flourish at the end.

By: Fred H. Zollinger, III
Reg. No. 39,438

Aegis Tower
4940 Munson Street NW, Suite 1100
Canton, Ohio 44718
Telephone: (330) 244-1174
Facsimile: (330) 244-1173
Attorney Docket: 1493-M



COPY OF PAPERS
ORIGINALLY FILED

MARKED-UP VERSION OF CLAIMS TO SHOW CHANGES MADE

1. (Twice amended) A tamper-resistant bottle closure adapted to be carried on a container having a stopping ledge, said closure comprising:

a cap;

a breakaway skirt having an outer skirt and [at least] a plurality of first inner skirts inwardly disposed to said outer skirt;

a plurality of frangible links extending between said cap and said outer skirt;

a first wing disposed on [said at least] each first inner skirt, [said] each first wing adapted to lie adjacent the stopping ledge such that [said] each first wing at least partially surrounds the stopping ledge, [in which said at least first] and each inner skirt is attached to said outer skirt at a location distal said frangible links; and

a plurality of second inner skirts inwardly disposed to said outer skirt, [said] each second inner skirt having a second wing disposed [on said] thereon, [said] each second wing adapted to lie adjacent the stopping ledge such that [said] each second wing at least partially surrounds the stopping ledge, [said] each second inner skirt being attached to said outer skirt at a location proximate said frangible links.

5. (Twice amended) The closure of claim 1, further comprising a securing strap extending between [said] at least each first wing and said outer skirt.

6. (Twice amended) A tamper-resistant bottle closure adapted to be carried on a container having a stopping ledge, said closure comprising:

a cap;

a breakaway skirt having an outer skirt and [at least] a plurality of first inner skirts inwardly disposed to said outer skirt;

a plurality of frangible links extending between said cap and said outer skirt;

a first wing disposed on [said at least] each first inner skirt, [said] each first wing adapted to lie adjacent the stopping ledge such that [said] each first wing at least partially surrounds the stopping ledge, [in which said at least] and each first inner skirt is attached to said outer skirt at a location distal said frangible links;

a plurality of second inner skirts inwardly disposed to said outer skirt, [said] each second inner skirt having a second wing disposed [on said] thereon, [said] each second wing adapted to lie adjacent the stopping ledge such that [said] each second wing at least partially surrounds the stopping ledge, [said] each second inner skirt being attached to said outer skirt at a location proximate said frangible links;

a securing strap extending between [said] at least each first wing and said outer skirt; and

an intermediate link having a lower leg, said intermediate link disposed adjacent [said] each wing, said lower leg adapted to be disposed adjacent and spaced from the stopping ledge.

7. (Twice amended) The closure of claim 6, further comprising an inner protuberance and an outer protuberance formed on [said at least]. each first inner skirt, said inner protuberance adapted to be disposed adjacent the container.

8. (Once amended) The closure of claim 6, further comprising a security ring, said security ring being attached to said outer skirt and adapted to be disposed adjacent the container.

9. (Twice amended) The closure of claim 8, [further comprising] in which said security ring includes a curved lower surface.

10. (Twice amended) The closure of claim 6, further comprising at least a first securing strap extending between [said at least] each first inner skirt and said outer skirt.

11. (Once amended) The closure of claim 6, further comprising at least a first security fin connected to said outer skirt.

12. (Twice amended) The closure of claim 6, further comprising a blocking protrusion and a clamping protrusion disposed on [said at least] each first inner skirt.

13. The closure of claim 12, further comprising a connection strap extending between said cap and said breakaway skirt.

14. (Twice amended) A tamper-resistant bottle closure adapted to be carried on a container having [a] upper and lower stopping ledges, said closure comprising[;]

a cap;

a breakaway skirt having an outer skirt and [at least] a [first] plurality of lower inner skirts inwardly disposed to said outer skirt, and [at least] a [first] plurality of upper inner

skirts inwardly disposed to said outer skirt;

each [said at least first] lower inner skirt having a lower wing, [said] each lower wing adapted to extend about the lower stopping ledge;

each [said at least first] upper inner skirt having an upper wing, [said] each upper wing adapted to extend about the [lower] upper stopping ledge;

a plurality of frangible links extending between said cap and said outer skirt;

a securing strap extending between each [said] lower wing and said outer skirt; and

an inner protuberance and an outer protuberance formed on each [said at least first] lower inner skirt and an inner protuberance and an outer protuberance formed on each [said at least first] upper inner skirt, said inner protuberance of each [said at least first] lower and upper inner skirts adapted to be disposed adjacent the container.

17. (Twice amended) In combination, a container and a closure, comprising[:]

said container having a nozzle and at least a first stopping ledge formed on said nozzle;

said closure including a cap and a breakaway skirt;

said breakaway skirt having an outer skirt and [at least] a [first] plurality of inner skirts attached and inwardly disposed to said outer skirt; [and]

a plurality of frangible links extending between said cap and said breakaway skirt;

a wing disposed on [said at least first] each inner skirt, [said] each wing being complementally shaped in relation to and lying adjacent said at least first stopping ledge [such that said wing] and at least partially surround[s]ing said at least first stopping ledge;

an inner protuberance and an outer protuberance formed on each [said at least first]

inner skirt, said inner protuberance projecting inwardly, said outer protuberance projecting outwardly, said inner and outer protuberances being of such dimension that said inner protuberance physically contacts the container and said outer protuberance physically contacts said outer skirt; and

a security wall and a security flange, said security flange extending outwardly from said nozzle, said security wall extending peripherally and substantially perpendicularly from said security flange, said breakaway skirt at least partially interposed between said security wall and said nozzle.

21. The combination of claim 17, wherein said nozzle is formed with a recession, and further comprising a blocking protrusion formed on said at least first inner skirt, said blocking protrusion being received in said recession when said closure is removed from said container.

22. (Once amended) In combination, a container and a closure; comprising[;] :

said container having a nozzle and at least a first stopping ledge formed on said nozzle, said at least first stopping ledge having a lower edge;

said closure including a cap and a breakaway skirt;

said breakaway skirt having an outer skirt and [at least] a plurality of [first] inner skirts attached and inwardly disposed to said outer skirt; [and]

a plurality of frangible links extending between said cap and said breakaway skirt[.]

said nozzle having a cylindrical wall having an outer edge defining a boundary from

which threads and the stopping ledge extend outwardly; and

said nozzle being formed with a recession which extends inwardly from the outer edge of the nozzle wall and which communicates with the lower edge of the stopping ledge.

23. (Once amended) The combination of claim 22, wherein [said nozzle is formed with a recession, and further comprising at a least first inner skirt, said at least first] each inner skirt [being] is received in said recession when said closure is removed from said container.

24. (Once amended) The combination of claim 23, wherein [said at least first] each inner skirt being received in said recession is a visual, audible or tactile indicator.

25. (Once amended) The combination of claim 24, wherein said visual, audible or tactile indicator indicates the closure is selectively rotatable.

26. (Once amended) The combination of claim [23] 22, further comprising a hinge extending between said cap and breakaway skirt.

27. (Once amended) The combination of claim 23, wherein [said at least first] each inner skirt is a blocking protrusion.

28. (Once amended) The combination of claim [23] 27, wherein said blocking protrusion is a wing.

29. (Once amended) The combination of claim 23, wherein said closure is selectively rotatable on the nozzle when [said at least first] each inner skirt is received in said recession.

30. The combination of claim 29, further comprising a hinge extending between said cap and said breakaway skirt.

31. (Once amended) In combination, a container and a closure; comprising[;] :

said container having a nozzle and at least a first stopping ledge formed on said nozzle, the at least first stopping ledge having outer and lower edges;

said closure including a cap and a breakaway skirt;

said breakaway skirt having an outer skirt and [at least] a [first] plurality of inner skirts attached and inwardly disposed to said outer skirt;

[said at least first] each inner skirt being attached to the outer skirt with a hinge;

whereby upward movement of said breakaway skirt causes [said at least first] each inner skirt to rotate about its hinge [, said at least first inner skirt resting against and sying] and lie adjacent [arcuate] the outer edge and [upper] the lower edge of the at least first stopping ledge, thus retaining the breakaway skirt on the nozzle.

32. The combination of claim 31, further comprising a hinge extending between said cap and said breakaway skirt.

Please cancel claim 33 without prejudice or disclaimer.

34. (Once amended) The combination of claim 31, wherein said closure is selectively rotatable during retention of said breakaway skirt on the nozzle.

35. (Once amended) The combination of claim [34] 31, wherein [said nozzle having a stopping ledge,] said closure is selectively rotatable during retention of said breakaway skirt upon said at least first stopping ledge.

36. (Once amended) The combination of claim 35, wherein [said at least first] each inner skirt is a clamping protrusion.

37. (Once amended) The combination of claim 36, wherein [said at least first] each inner skirt is [a] selectively rotatable [clamping protrusion].

38. (Once amended) The combination of claim 34, wherein the nozzle includes a recession and [breakaway skirt further comprising a second inner skirt, said second] each inner skirt [being] is received in said recession [within] when the closure is rotated upon said nozzle.

Please cancel claim 39 without prejudice or disclaimer.

40. (Once amended) The combination of claim [39] 38, wherein [said first] each inner skirt [and said second inner skirt are] is a wing[s].

41. (Once amended) In combination, a container and a closure; comprising[;] :

said container having a nozzle and at least a first stopping ledge formed on said nozzle, the at least first stopping ledge having an outer edge;

said closure including a cap and a breakaway skirt;

said breakaway skirt having an outer skirt and [at least] a [first] plurality of inner skirts [and a second inner skirt] attached and inwardly disposed to said outer skirt, said outer skirt having an inner surface;

a plurality of frangible links extending between said cap and said breakaway skirt;
and

a plurality of security fins located between [said at least first] the inner skirts [and second inner skirt, and] , the security fins allowing selective rotation of said closure upon said nozzle.

42. (Once amended) The combination of claim 41, further comprising a security flange, said security flange being an annular protrusion extending outwardly from said nozzle and being located below said stopping ledge with an outer radial dimension greater than the outer radial dimension of said at least first stopping ledge.

43. (Once amended) The combination of claim 41, wherein said security fins are planar members projecting radially inward from the inner surface of [said breakaway] the outer skirt [and interposed between said at least first inner skirt and second inner skirt].

44. (Once amended) The combination of claim 43, wherein said security fins project

radially inward substantially, but not entirely, the distance to the outer edge of said at least first stopping ledge.

45. (Once amended) The combination of claim [42] 41, wherein said at least first stopping ledge is an annular protrusion extending outwardly from said nozzle, said at least first stopping ledge having a planar lower edge, an arcuate outer edge and an upper edge.

46. (Once amended) The combination of claim 45, wherein the transition between the upper edge and the outer edge of said at least first stopping ledge is curved to facilitate the installation of said closure onto said nozzle.

47. (Once amended) The combination of claim 43, wherein said security fins [having] have a lower surface lying adjacent a security flange[, positioning of said security fins and said security flange] so as to inhibit[ing] tampering of said closure by inserting an object between said security fins and said security flange.

48. (Once amended) The combination of claim 43, wherein said security fins inhibit tampering[, said security fins] by inhibiting the insertion of an object between said inner skirts and said inner surface of the breakaway skirt.

49. (Once amended) The combination of claim 48, wherein said security fins inhibit the inward deflection of said outer skirt of the breakaway skirt.

50. The combination of claim 49, further comprising a hinge connecting said cap and said breakaway skirt.

51. (Once amended) A [tamer] tamper-resistant bottle closure adapted to be carried on a container having a stopping ledge, said closure comprising[;] :

a cap;

a breakaway skirt having an outer skirt and [at least an] a plurality of inner skirts inwardly disposed to said outer skirt, [said at least first] each inner skirt having an arm with a blocking protrusion and a clamping protrusion extending therefrom, defining a channel therebetween bounded on one side by the arm; and

a plurality of frangible links extending between said cap and said outer skirt.

52. (Once amended) The combination of claim 51, wherein during upward movement of said closure, said stopping ledge is received in said channel, [said at least first] each inner skirt being securely retained on nozzle.

53. (Once amended) The combination of claim [51] 52, wherein said closure is selectively rotatable when said stopping ledge is received in the channel of [at least first] each inner skirt.

54. (Once amended) The combination of claim 52, wherein during upward movement [said at least first] each inner skirt wraps around said stopping ledge, said stopping ledge being received in [said at least first] each inner skirt.

55. (Once amended) The combination of claim 51, wherein [said at least first inner] each skirt is a wing.

56. (Once amended) The combination of claim 51, wherein [said at least first inner] each skirt is attached to said outer skirt by a hinge.

57. The combination of claim 51, further comprising a hinge extending between said cap and said breakaway skirt.

58. The combination of claim 51, wherein said channel is a socket.

59. (Once amended) The combination of claim 51, wherein said stopping ledge being received in [said at least first] each inner skirt provides visual, audible or tactile indication.

60. The combination of claim 59, wherein said visual, audible or tactile indication constitutes selective rotation of said closure upon container.